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No. 87-1437

In The
Supreme Court of the United States
October Term, 1988

MELVIN R. BLANTON and MARK D. FRALEY,
Petitioners,

v.

CITY OF NORTH LAS VEGAS, NEVADA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF NEVADA

BRIEF FOR THE CITY OF LAS VEGAS, NEVADA, AS AMICUS CURIAE IN SUPPORT OF RESPONDENT

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BRIEF FOR THE CITY OF LAS VEGAS, NEVADA, AS AMICUS CURIAE IN SUPPORT OF RESPONDENT

The City of Las Vegas, Nevada, as *amicus curiae* (Amicus) pursuant to Supreme Court Rule 36.4, urges this Court to affirm the judgment of the Nevada Supreme Court in *Blanton v. North Las Vegas Municipal Court,* 103 Nev. Adv. Op. 135, 748 P.2d 494 (December 31, 1987).

INTEREST OF AMICUS CURIAE

Amicus and the City of *North* Las Vegas, Nevada, are two separate and autonomous, but contiguous, municipal corporations located in Clark County, Nevada.

As to this appeal, eleven cases involving the charge of driving under the influence (DUI) of intoxicating substances came before the municipal courts of the two municipalities. Nine of the cases originated in Amicus' municipal court and two originated in the North Las Vegas Municipal Court.

Following certain municipal court proceedings, all of the cases were appealed to the "county-wide" district court of Clark County. Following district court proceedings, all eleven cases were appealed—some by the municipalities, some by the individual parties—to the Nevada Supreme Court. *Blanton v. North Las Vegas Municipal Court, supra,* was the case into which the Nevada Supreme Court consolidated all of the cases for review.

None of the nine cases in which Amicus was a party is on review in this appeal. The two in which the City of North Las Vegas was a party, those of Melvin R. Blanton and Mark D. Fraley, are on review.

Because the question of a right to jury trials for first-time DUI offenses, petty offenses in Nevada, was common to all eleven of the cases and because of the impact this Court's decision will have on Amicus' municipal judicial machinery, Amicus maintains it is vitally interested in this appeal.

SUMMARY OF ARGUMENT

Amicus, in its introductory comments, takes the (perhaps unpopular) position that demands for jury trials in first-time DUI offenses have finally begun to adversely affect, as defendants, the lives of middle and upper-middle class persons.

Years ago, when DUI was not regarded as, or at least not judicially treated as, a "significant" offense, not much widespread community concern about it existed. In time, with a more vigorous enforcement of traffic laws and increased penalties for DUI nationwide, persons other than the "noisy and unruly" were arrested. It was only then, in some jurisdictions, that middle and upper-middle class defendants realized they had no right to a jury trial because it was considered a petty offense. Then the demands for jury trials began.

In 1985, through what was an attempt to eliminate so-called duplicative statutes in Nevada, certain laws relating to municipalities were repealed. The title of the legislative enactment is: "AN ACT relating to municipal courts; eliminating *duplicative* statutes; consolidating related provisions; and providing other matters properly relating thereto." (Emphasis supplied.)

Among the repealed laws was a provision that prohibited jury trials for petty offenses in specially chartered municipalities, including Amicus and the City of North Las Vegas. That same provision was not repealed in a handful of municipalities that were not specially chartered. The effect has been an incongruity that could suggest to the careful observer that, while jury trials for misdemean-

ors are prohibited in some municipalities, they may be permissible in others. Amicus suggests this anomoly was the result of legislative oversight. The true intent of the Nevada legislature is to prohibit jury trials in misdemeanor cases.

The gravity of the offense of DUI is measured by the punishment that may be imposed. This Court has held in case after case that an offense punishable by not more than six months' incarceration is a petty offense. Although most states provide jury trials for *all* misdemeanors, including first-time DUI offenses, Nevada does not. Hence, in Nevada and a minority of other states, persons who are convicted of having committed petty offenses, including the offense of DUI on the first occasion, are subject to punishment of not more than six months' incarceration and a fine of $1,000.00. As a result, Nevada's treatment of such offenses is not violative of this Court's rulings. Nevada's legislative determination and judicial disposition of first-offense DUI cases fall within the proper classification and the realm of permissible adjudication of DUI offenses without jury trials.

The Nevada Supreme Court, in deciding that jury trials are not required in DUI cases on the first occasion, expressly declined to follow a federal decision originating in Nevada and in so doing was not acting judicially inappropriately.

Although many states limit the maximum fine for petty offenses to $500.00, this figure is not axiomatically the limit, and otherwise petty offenses (i.e., incarcerable by not more than six months) are not deemed serious because of the potential of a higher fine.

ARGUMENT

I

Introduction and a Differing Point of View

Throughout this argument reference to a jury trial for DUI means a jury trial for a first-time DUI offense, a petty offense in Nevada.

Prior to the commencement of the somewhat recent groundswell of national outrage about drunk driving, DUI was likely not much of a concern to the citizen untouched personally by the ravages of the offense. To most persons, drunk driving was something that "noisy and unruly" individuals indulged in.

As to the noisy and unruly, the consensus seemed to hold that there were no reputations to be tarnished or community standing to be damaged. There were no careers to be ruined or little league teams to flounder because "Coach" was in jail. Often there were no insurance policies to be canceled, let alone premiums to be increased. And often as well there may not have been any serious economic repercussions for there may not have been any salaries to be lost or jobs to be terminated. Public opprobrium was virtually nonexistent. Furthermore, *e.g.*, fifteen years ago, DUI not involving property damage or personal injury was generally dealt with, if not by the proverbial slap on the wrist, certainly less severely than it is in the current decade.

Drinking and driving represents conduct that knows no social bounds. (Perhaps it never did; but if so, that fact was "discovered" only after the lense of public concern was more sharply focused on persons charged with

DUI and the disposition of their cases.) It is indulged in by the rich and the poor; the famous and the infamous; the celebrated and the notorious; the tall and the short; the handsome and the homely, the fat and the lean; the young and the old; male and female; white and black; and, indeed, the noisy and unruly.

As motorists, DUI is probably the single most likely criminal offense with which otherwise law-abiding citizens might be charged and to which they might succumb. As a result, DUI appears to be the one misdeamanor offense about which the demand for jury trials is sounded most loudly.

In the several cases cited in this brief that discuss DUI and jury trials as well as those cases cited by the parties throughout the history of this case and in the opinion of the Supreme Court of Nevada, there is virtually no mention of why there is, all of a sudden, a demand for jury trials. (Part of the reason, of course, is that most states either by statute or by state constitution allow jury trials for DUI and other petty offenses.) *Bronson v. Swinney*, 648 F.Supp. 1094 (D.Nev. 1986), comes closest when discussing the "collateral consequences doctrine." Still that decision does not mention what Amicus believes is the most significant reason: DUI has become a middle and upper-middle class problem.

Consider the following scenario: "Mr. Driver" is a well-positioned, law-abiding citizen. He is an educated, married breadwinner and father. He holds a secure and responsible job. He has standing in his community, in his church, and in his local charitable or civic organization.

He has never been concerned about "jury rights." He has never had a need to be; he has never been arrested.

Then one night while driving home after an office party, "Mr. Driver" is stopped for weaving and is subjected to the glare of the constable's flashlight. He slurringly explains his activities of the past few hours. He is arrested and charged with DUI. Only later does he learn there is no jury to whom he can plead, "But for the Grace of God, here you stand."

Some may disagree with the foregoing analysis, which is perhaps a differing point of view. But if so, why then is there rising from the ashes of discontent a phoenix of "collateral consequences" in DUI cases which this Court is now being urged to consider in determining the difference between petty and serious criminal offenses? The possibility of license revocation, insurance cancellation, public opprobrium, the loss of employment, and financial ruin have reached out and touched those least able to endure the effects—the respectable.

Rhetorically, why is there not as much concern about the "collateral consequences" that bear upon the lives of persons who are, without benefit of jury, incarcerated for up to a maximum of six months for offenses other than DUI—"messier" offenses not committed by the respectable? Surely one is as likely to suffer several of the same types of social disdain that is implicit in the "collateral consequences" of DUI. Amicus believes the reason is in part because the "Mr. Drivers" of the nation do not become involved with "messier" offenses as do those noisy and unruly persons for whom not even the concern for

primary consequences, let alone consequential consequences, is felt by the public.

Be that as it may, what is being urged in this appeal is an elimination of the one azimuth wisely triangulated and clearly drawn upon which courts may rely to guide themselves in determining, by constitutional standards, when a jury trial is required on the petty/serious landscape of criminal conduct. Amicus does not believe it is necessary to survey the same terrain again.

The Issues

I

The Nevada State Legislature Did Not Actually Intend to Repeal the Statutory Provision (NRS 266.550) Prohibiting Jury Trials in Certain of Nevada's Municipal Courts.

NRS 266.005 provides:

> The provisions of this chapter shall not be applicable to incorporated cities in the State of Nevada organized and existing under the provisions of any special legislative act or special charter enacted or granted pursuant to the provisions of section 1 of article VIII of the constitution of the State of Nevada.

NRS 266.550 provides:

> The municipal court shall have such powers and jurisdiction in the city as are now provided by law for justices' courts, wherein any person or persons are charged with the breach or violation of the provisions of any ordinance of such city or of this chapter, of a police or municipal nature; *but the trial and proceedings in such cases shall be summary and without a jury.* (Emphasis added.)

Amicus, as well as twelve other municipalities in Nevada, derives its existence from a special charter. Originally, as to municipal courts, the provisions of chapter 266 of NRS as written did not apply to Amicus. However, Amicus' special charter provided that as to its municipal courts chapter 266 *did* apply to it.

In 1985, in what was intended as a removal of certain so-called duplicative statutes ("AN ACT relating to municipal courts; eliminating *duplicative* statutes; consolidating related provisions; and providing other matters properly relating thereto." (Emphasis supplied.)) (*See* App. "A", the Nevada State Legislature repealed from the thirteen special charters those provisions incorporating chapter 266 of NRS. In so doing, the Legislature inadvertantly ignored the fact that, by virtue of NRS 266.005, those provisions, and, specifically, the prohibition against jury trials in municipal courts, were not "duplicated" elsewhere in the special charters or in the Nevada Revised Statutes.

As a result, the Legislature created an anomoly in the municipal court system in Nevada. On the one hand, the Legislature stripped the municipal courts of the thirteen specially chartered municipalities of certain power, but on the other hand left that power intact as to municipalities not created by special charter. (As to Amicus, *see*, 1985 Nev. Stats. ch. 208, Sec. 12, App. "B".)

As to specially chartered municipalities, the only statute that now refers to the jurisdiction of municipal courts is NRS 5.050, (*See* App. "C") which is silent in respect to jury trials. As to nonchartered municipalities, the provisions of NRS 266.550 remain in effect. The nonchartered municipalities are Ely, Fallon, Lovelock, (Mesquite), and Winnemucca (*See Blanton, supra,* at 497, n. 5), and jury

trials in municipal courts in those municipalities are prohibited. Therefore, it is reasonable to assume and equally reasonable to infer and conclude that the legislature did *not* intend to remove the prohibition against jury trials from municipalities. Through oversight, therefore, an attempt to remove so-called duplicative statutes resulted in neutering the municipal courts that derive their existence from special charters.

It is submitted that while the Legislature intended to eliminate *duplicative* statutes, it did not actually do so as to NRS 266.550 because no duplication of it existed; certainly not as to Amicus. Among other things, the Legislature removed from thirteen municipal courts the prohibition against jury trials, but as to certain other municipalities, left it in. The apparently incongruous consequence of what has happened is that in certain municipalities in Nevada a person charged with DUI might be eligible for a jury trial while in others that same person may not have a jury trial.

For example, in traversing the state along Interstate 80 from the Utah border to the California border, "Mr. Driver," if he were arrested for DUI in Wells, Elko or Carlin, would be entitled to a jury trial; while in Winnemuca or Lovelock, he would not be entitled to a jury trial; and in Sparks or Reno he would be entitled to a jury trial if 1985 Nev. Stats. ch. 208 were interpreted literally. Certainly this could not be the result that was intended by the Legislature.

Therefore, it is respectfully submitted that the legislative intent and the law of the State of Nevada continue to deny jury trials in municipal courts, even those in municipalities in which the prohibition against jury trials has, on the surface, been eliminated.

II

There is No Right to a Jury Trial for a Misdemeanor DUI Offense in Nevada Where the Maximum Authorized Penalty is a Jail Term of Six Months and a Fine of One Thousand Dollars.

Amicus, for the sake of brevity will forego extensive reference and quotations in the "petty/serious offense dichotomy" in deference to the Court's knowledge its own decisions and with the assumption that the same decisions will be referred to extensively by the parties to this appeal. Amicus recognizes that synopses of decisions may appear to omit much, depending on one's point of view, and does not want this appearance to minimize the seriousness with which Amicus views this task. However, this approach is being undertaken in the interest of appellate economy.

One hundred years ago this Court, in *Callan v. Wilson*, 127 U.S. 540 (1888), decided that the language of the United States Constitution was to be construed in light of the period of time in which it was written. Therefore, this Court held that the right to a jury trial was not intended to apply to crimes which were petty offenses at common law.

This Court has followed this distinction in many cases since *Callan*. *Natal v. Louisiana*, 139 U.S. 621 (1891); *Schick v. United States*, 195 U.S. 65 (1904); *District of Columbia v. Clawans*, 300 U.S. 617 (1937); *Cheff v. Schnackenberg*, 384 U.S. 373 (1966).

Of more recent date, several significant cases have embraced the common law criterion.

Duncan v. Louisiana, 391 U.S. 145 (1968), decided that the Sixth Amendment to the United States Consti-

tution applied to the states by virtue of the Fourteenth Amendment. Duncan was charged in state court with simple battery. The maximum penalty consisted of a fine of not more than $300.00 or incarceration for not more than two years. A crime punishable by incarceration for up to six months does not require a jury trial; but one carrying possible incarceration of up to two years was serious and hence a jury trial was required. The Court looked at what punishment could be imposed, not at what was imposed.

This "possible sentence" concept was carried forward in *Frank v. United States*, 395 U.S. 147 (1969), which was a criminal contempt case. This Court held that the Sixth Amendment to the United States Constitution gives defendants a right to a jury trial in all criminal cases, that criminal contempt was to be treated like all other criminal offenses, and that a defendant would be entitled to a jury trial unless the offense were classified as petty. The Court looked to *District of Columbia v. Clawans, supra*, in determining whether a crime was serious or petty. The Court held that that determination was to be based on the seriousness of the authorized penalty. Maximum penalties of not more than six months' incarceration were considered petty, and petty offenses need not be tried by a jury.

In *Baldwin v. New York*, 399 U.S. 66 (1970), the defendant was charged with a New York City misdemeanor called "jostling," the maximum term of imprisonment for which was one year. By statute, however, he was not entitled to a jury trial. Again this Court held that serious crimes require a trial by jury; petty offenses do not. Petty offenses were those for which possible incarceration was

not more than six months, and serious offenses were those with a possible sentence of more than six months. The potential penalty for the offense was taken to be the only objective criterion by which to judge its gravity.

Codispoti v. Pennsylvania, 418 U.S. 506 (1974), is a case in which punishment for contempt in a state court proceeding was at issue. Two defendants were sentenced to aggregate consecutive terms of eleven to twenty-two years and six to twelve years respectively. Although no single contempt charge was punished by more than six months' incarceration, the defendants were entitled to a jury trial nonetheless because theirs were serious offenses involving incarceration for a total of more than six months.

Two recent conflicting but significant lower court decisions provide contemporary points of view of the "petty/serious" DUI dichotomy. They are *Bronson v. Swinney, supra*, and *Landry v. Hoepfner*, 840 F.2d 1201 (5th Cir. 1987).

The federal district court in *Bronson v. Swinney, supra*, in referring to the Nevada Supreme Court's opinion in *State v. Smith*, 99 Nev. 806, 672 P.2d 631 (1983), which interpreted the six-month, thousand-dollar threshold as proper for jury trials in Nevada, criticized the opinion as "too restrictive." This Court is urged to consider that in *State v. Smith, supra*, the Nevada Supreme Court relied upon the criterion of the maximum possible penalty in its characterization of DUI as a petty offense.

> . . . [W]e look to the criterion expressly established by the United States Supreme Court: where the maximum possible penalty is six months imprisonment or less, the offense is petty and the right to

trial by jury does not attach. [Since] NRS 484.379 provides a penalty of up to six months imprisonment for a first-time DUI offense, there is no constitutional right to a trial by jury. *Smith, supra,* at 810, 672 P.2d at 634.

The federal district court in *Bronson v. Swinney, supra,* in its criticism considered the "collateral consequences doctrine" as the more reasonable standard by which to determine the seriousness of an offense, notwithstanding its concession that the maximum authorized penalty was the most important criterion by which to do so.

In support of its "collateral consequences doctrine," the federal district court in *Bronson v. Swinney, supra,* quotes *United States v. Craner,* 652 F.2d 23 (9th Cir. 1981).

> "Although Congress has established the sanctions of six months' imprisonment or $500 in fines as the bright line between serious and petty offenses, *see* 18 U.S.C. [Sec.] 1(3), the Supreme Court has not found 'talismanic significance' in this formula when determining whether a constitutional right to a jury trial exists." (Quotation marks, *sic.*)

Although the six-month threshold is not talismanic, neither is the loss of a driver's license, the cancellation of automobile insurance, the likely loss of a job (even if incarceration is as "little" as 30, 60, or 90 days), or public opprobrium. True, these factors are not to be viewed lightly, for hardly any "Mr. Driver" short on Spartan vigor could withstand the full impact of any one let alone all of these consequences. But that unfortunately is beside the point.

An opposite conclusion was reached by the United States Court of Appeals, Fifth Circuit, in affirming *Landry v. Hoepfner,* 840 F.2d 1169 (5th Cir. 1987), which was similar to the instant case in that defendant Landry wanted a jury trial for a first-time DUI offense in which the maximum authorized penalty was a fine of $500.00 and a sentence of six months incarceration.

After discussing, *Duncan, Frank, Baldwin,* and *Codispoti* the court of appeals in referring to this Court said at 1209, ". . . [this] Court has *never* held or stated any crime is a 'serious' rather than a 'petty' offense on the basis of any criteria other than whether its maximum authorized confinement exceeded six months or whether it was indictable at common law." (Emphasis in original.)

Later, at 1216, in discussing the "collateral consequences" of a conviction for DUI, although that term was not specifically used, the court of appeals said, "We know of no basis or standard by which *we* can say that such repercussions and opprobium [*sic*] resulting from a [DUI] conviction are as a matter of law different *in kind* from those resulting from confinement for conviction of numerous other concededly petty offenses, such as public drunkenness." (Emphasis in original.)

This Court in *Baldwin v. New York, supra,* set forth the criterion by which petty and serious misdemeanants shall be judged. The issue is simple: If the possibility of incarceration is not more than six months, a defendant is not entitled to a jury trial; if the possible period of incarceration exceeds six months, a jury trial is required. The unavailability of jury trials in Nevada for first-time DUI offenders is within the guidelines laid down by this Court. The issue becomes awkward only when it is "decorated" with the ornaments of "collateral consequences."

Finally, in certain opinions and briefs connected with this case, there have appeared recitations of statistics concerning the number of jurisdictions that allow DUI jury trials and those that do not (*e.g.*, cf. Petitioners' brief, Appendix "A"). However, this apparent "weight" of authority results not from the fact that those jurisdictions regard DUI as a special ("serious") type of misdemeanor but from the fact that, in those jurisdictions, all misdemeanants are afforded jury trials. The weight of numbers does not tip the balance as persuasively as the weight of reason, deliberation and precedent.

In this respect the Court's attention is invited to *Martin v. Ohio,* 480 U.S. — (1987). In that case, a woman shot and killed her husband and claimed self defense. In Ohio a defendant has the burden of proving self defense. In addressing the issue of "majority practice," the Court said,

> . . . [W]ell into this century, a number of States followed the common law rule and required a defendant to shoulder the burden of proving that he acted in self-defense. (Citation omitted.) We are aware that all but two of the States, Ohio and South Carolina, have abandoned the common law rule and require the prosecution to prove the absence of self-defense when it is properly raised by the defendant. But the question remains whether those States are in violation of the Constitution; and, as we observed in Patterson, that question is not answered by cataloging the practices of other states. We are no more convinced that the Ohio practice of requiring self-defense to be proved by the defendant is unconstitutional than we are that the Constitution requires the prosecution to prove the sanity of a defendant who pleads not guilty by reason of insanity.

III

A Fine Which Exceeds the $500.00 Threshold Does Not Make an Otherwise Petty Offense Serious.

Although "a sentence and a fine" have always been considered together in addressing the "petty/serious offense dichotomy," the severity of a potential fine has not figured as significantly in the Court's decisions as has the length of the permissible sentence.

Amicus does not wish to add weight to this question and merely invites the Court's attention to its decision in *Muniz v. Hoffman,* 422 U.S. 454 (1975), and to 18 USC Sec. 1(3) which was amended by Congress in 1984 by increasing the fine for petty offenses to $5,000.00 from $500.00.

IV

The Supreme Court of the State of Nevada Acted Properly in Refusing to Follow a Federal District Court's Ruling.

Amicus believes the position the Nevada Supreme Court took *Blanton v. North Las Vegas Municipal Court, supra,* in not following *Bronson v. Swinney, supra,* is correct.

This is not a new or novel attitude in Nevada. "We are bound by the decisions of the United States Supreme Court (Nevada Constitution, Article I, Sec. 2.). We are not bound by the decisions of the other federal courts." *Bargas v. Warden,* 87 Nev. 30, 32; 482 P.2d 317 (1971).

Nor is it an attitude unique to Nevada. *See People v. Luros,* 480 P.2d 633, 92 Cal Rptr. 833 (1971). (Federal courts are not "compelling authority" as to state action.);

State v. Harmon, 107 Idaho 73, 685 P.2d 814 (1984). (Idaho might defer to federal district court decisions, but it was not bound by them.)

On the other hand, Nevada is not intransigent in its attitude. *See Rahn v. Warden*, 88 Nev. 429, 498 P.2d 1344 (1972) in which the Nevada Supreme Court acquiesced in decisions of the Ninth Circuit Court of Appeals.

It is respectfully submitted the Nevada Supreme Court is not bound by, and need not blindly follow, the federal district court. In *Blanton v. North Las Vegas Municipal Court, supra*, it chose not to, and that decision for the reasons set forth by that court it is submitted is one to be respected by this Court.

CONCLUSION

For the reasons set forth above, Amicus respectfully prays that this Court concur with the decision of the Nevada Supreme Court in denying jury trials to first-time DUI offenders in the State of Nevada.

Respectfully submitted,

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APPENDIX "A"

Assembly Bill No. 202—Committee on Judiciary

CHAPTER 208

AN ACT relating to municipal courts; eliminating duplicative statutes; consolidating related provisions; and providing other matters properly relating thereto.

[Approved May 17, 1985]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY DO ENACT AS FOLLOWS:

Section 1. NRS 5.010 as hereby amended to read as follows:

5.010 [A] *There must be in each city a municipal court presided over by a municipal judge.* The municipal court must be held [by a judge who is designated as municipal judge, and the court must be held] at such place in the city within which it is established as the governing body of that city may by ordinance direct.

Sec. 2. NRS 5.020 is hereby amended to read as follows:

5.020 1. Except as provided in subsection 2, each municipal judge must be chosen by the electors of the city within which the municipal court is established on a day to be fixed by the governing body of that city. He shall hold his office for 1 year, unless a longer period is fixed by the charter of the city, in which case he shall hold his office for that longer period. Before entering upon • • •

APPENDIX "B"

Sec. 12. Section 4.010 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1412, is hereby amended to read as follows:

Sec. 4.010 Municipal court.

1. There is a municipal court of the city which consists of at least two departments. [,each of which must be presided over by a municipal judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this charter, governed by, chapters 5 and 266 of NRS which relate to municipal courts.]

2. The city council may from time to time establish additional departments of the municipal court and shall appoint an additional municipal judge for each.

3. At the first general election which follows the appointment of an additional municipal judge to a newly created department of the municipal court, the successor to that municipal judge must be elected for a term of 2 or 4 years, as determined by the city council, in order to effectuate the intent of this provision that, as nearly as practicable, one-half of the number of municipal judges be elected every 2 years.

4. The respective departments of the municipal court must be numbered 1 through the appropriate arabic number, as additional departments are approved by the city council. A municipal judge must be elected for each department by number.

APPENDIX "C"

5.050 Jurisdiction.

1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To prevent or abate a nuisance within the limits of their respective cities.

2. The municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears by the pleadings of the verified answer that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justices' courts.

[33:19:1865; B § 938; BH § 2452; C § 2533; RL § 4853; NCL § 8395] + [34:19:1865; B § 939; BH § 2453; C § 2534; RL § 4854; NCL § 8396]—(NRS A 1959, 853; 1981, 652, 1928; 1985, 129, 671)